THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 16287 of 2005

-

Dated : 26.07.2005

Between:

Sri Gudise Samuel, S/o. Venkaiah,
aged about 70 years, Pittala Vemavaram Village,
Peravali mandal, W.G.District.

..... PETITIONER

AND

The State of A.P., rep. by the Secretary, Endowments Dept.,
Govt of A.P., Hyderabd and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION No. 16287 of 2005

-

ORDER:

Petitioner contends that he is a tenant of an extent of Ac.4.75 cents of dry land in R.S.No. 47/1 of Vadali village belonging to Sri. Agasteswaraswamyvari Temple, Vadali Village and that he has been in possession of the said land from 1975 onwards. It is further stated that the petitioner filed a representation seeking determination as a landless poor person before the Assistant Commissioner of Endowments, Eluru-third respondent. Since the third respondent held that the petitioner was in possession of Ac.4.75 cents of wet land and was not a landless poor person, aggrieved thereby, the petitioner preferred an appeal in Appeal No. 77 of 2004 before the Regional Joint Commissioner who, by order dated 25.09.2004, remanded the matter back to the third respondent to determine whether the temple lands, of which the petitioner is a tenant, is dry or wet land.

Learned counsel for the petitioner contends that though the matter is still

pending before the third respondent, the fourth respondent is conducting auction on 27.07.2005 and that he would suffer irreparable loss in case the auction is permitted to be held and in case he is dispossessed from the land under his cultivation.

Smt.N.Indrani, learned counsel for the fourth respondent, refers to the order in Appeal No. 77 of 2005 in support of her submission that while the matter was remanded to the third respondent, the Regional Joint Commissioner had made it clear that the order of the third respondent shall hold good till the matter is finally disposed of.

The very order of remand of the Regional Joint Commissioner indicates that there is a factual dispute as to whether the land belonging to the fourth respondent, of which the petitioner is the tenant, is dry or wet land and so as to ascertain this factual aspect, the matter has been remanded to the third respondent.

Ends of justice would be met if the fourth respondent is permitted to go ahead with the auction, subject however, that the said auction shall not be finalized till the third respondent passes appropriate orders determining as to whether the land under cultivation of the petitioner of an extent of Ac.4.75 cents is dry or wet land and as to whether he is a landless poor person. The third respondent is directed to determine this aspect, as expeditiously as possible, not later than two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

_____

26.07.2005

sh